

PATENT
USSN 08/228,926
Atty docket: 674310-2430.1

IN THE CLAIMS:

Please add, amend or cancel the claims, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents, as follows:

Claims 1-32 (Cancelled).

33. (Previously presented) A plasmid comprising donor DNA not naturally occurring in vaccinia virus encoding a peptide foreign to vaccinia virus, said donor DNA present within a non-essential region of a segment of vaccinia virus DNA otherwise co-linear with portions of the vaccinia virus genome such that DNA from a non-essential region of vaccinia virus is flanking said donor DNA, and whereby when incorporated into vaccinia virus by *in vivo* recombination expression of the donor DNA is under vaccinia control.
34. (Previously presented) The plasmid of claim 33 wherein the donor DNA comprises a herpes simplex virus TK gene.
35. (Previously presented) The plasmid of claim 33 wherein the segment of vaccinia virus DNA otherwise co-linear with portions of the vaccinia virus genome is the HindIII F-fragment of the vaccinia virus genome.
36. (Previously presented) The plasmid of claim 35 wherein for expression there is a promoter within the F-fragment.
37. (Previously presented) The plasmid of claim 36 wherein the donor DNA comprises a BamHI TK gene of herpes simplex virus.

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38. (Previously presented) The plasmid of claim 34 wherein the segment of vaccinia virus DNA otherwise co-linear with portions of the vaccinia virus genome is the Aval H-fragment of the vaccinia virus genome.

39. (Previously presented) The plasmid of claim 35 which is pDP137.

40. (Previously presented) The plasmid of claim 38 which is pdP202TK/E.

Claims 42-51 (Cancelled).

52. (New) Donor DNA comprising isolated DNA not naturally occurring in poxvirus flanked by DNA sequences homologous with portions of a non-essential region the poxvirus genome.

53. (New) Donor DNA comprising isolated DNA not naturally occurring in vaccinia virus flanked by DNA sequences homologous with portions of a non-essential region the vaccinia genome.